

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

APR 6 2010

Phil Lombardi, Clerk
U.S. DISTRICT COURT

1. Optronics International, LLC,)
a limited liability company)
Plaintiff,)
vs.) CIVIL ACTION NO. _____
2. Thomas W. Rogers, an individual, and)
3. TRAC OUTDOOR PRODUCTS COMPANY,)
a corporation)
Defendants.)

10 CV - 215 TCK TLW

COMPLAINT FOR DECLARATORY RELIEF

1. Plaintiff Optronics International, LLC is a limited liability company organized and existing under the laws of the State of Oklahoma, having its principal place of business at 5115 South 122nd Street, Suite 202-A, Tulsa, Oklahoma 74146.

2. On information and belief, Defendant Thomas W. Rogers is an individual, having a mailing address at 1534 Rosella Court, Brentwood, Tennessee 37027.

3. On information and belief, Defendant TRAC Outdoor Products Company is a corporation having a place of business at 1534 Rosella Court, Brentwood, Tennessee 37027.

4. This is an action for a declaratory judgment of non-infringement and unenforceability pursuant to 28 U.S.C. § 2201 and lack of breach of contract between the parties. Subject matter jurisdiction is based herein upon 28 U.S.C. § 1331, 1338 and 1367. Venue is proper in this judicial district.

5. Upon information and belief, United States Letters Patent No. 6,533,445 was issued to Defendant Rogers, on March 18, 2003, and upon further information and belief, Defendant Rogers

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has been and still continues to be the owner of this patent. Defendant TRAC controls U.S. Patent No. 6,533,445 (copy attached hereto as Exhibit A).

6. The Plaintiff and the Defendants are parties to a Supply and License Agreement and to a Settlement Agreement.

7. Plaintiff has designed and implemented a new LED light which is not within the scope of Defendants' U.S. Patent or subject to the agreements between the parties.

8. An actual controversy exists between the parties hereto regarding the infringement of the afore-mentioned patent and regarding breach of the agreements between the parties.

9. Defendants' conduct has created on the part of the Plaintiff a reasonable apprehension that it will be faced with an infringement suit if it continues to manufacture and sell products.

10. Defendants' conduct includes a series of communications including letters, telephone conferences and electronic mail to Plaintiff regarding Plaintiff's alleged infringement of the afore noted patent.

11. Plaintiff has informed the Defendants that its patent is not infringed by Plaintiff's products and is unenforceable. Plaintiff has a current, real apprehension and belief that Defendants will immediately file suit.

12. As a result of Defendants' actions, an actual controversy exists regarding the infringement of said patent and regarding the agreement between the parties.

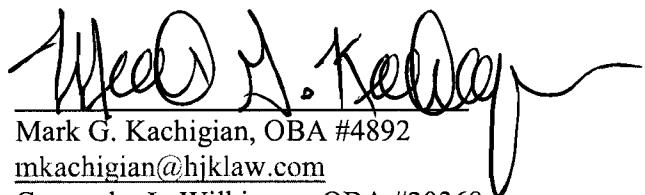
WHEREFORE, Plaintiff prays:

(a) That this Court enter an Order declaring the Plaintiff has not infringed U.S. Patent No. 6,533,445 and has not breached the Settlement Agreement or Supply and License Agreement;

(b) that this Court awards Plaintiff its attorney's fees, costs and expenses in this action;
and
(c) that this Court grant such other and further relief that this Court may deem just.

DEMAND FOR A JURY TRIAL

Plaintiff demands a trial by jury on all the issues so triable.



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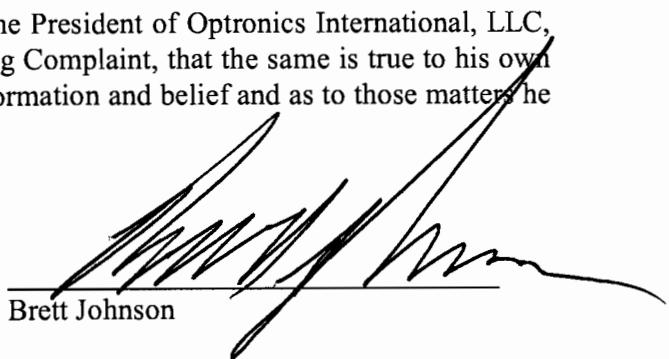
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Attorneys for Plaintiff

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

Brett Johnson being duly sworn that he is the President of Optronics International, LLC, Plaintiff in this action, that he has read the foregoing Complaint, that the same is true to his own knowledge except to matters therein alleged on information and belief and as to those matters he believes the same to be true.

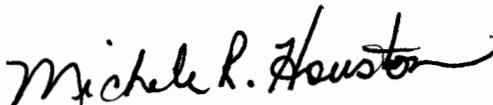


Brett Johnson

Sworn to and Subscribed before me this 1 day of April, 2010.

My Commission Expires: 11/13/2011

Notary Public



Michele L. Houston